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2 By notice dated April 14, 1999, Appellant was provided notice of the June 22, 1999, hearing of this
3 appeal. By letter dated June 13, 1999, Appellant requested a continuance of the hearing on her
4 appeal, stating that she and her attorney had personal scheduling conflicts and asking that the
5 hearing be continued to August or September. By order dated June 18, 1999, the Board granted
6 Appellant's request and the hearing was rescheduled to August 4, 1999.

7
8 By notice of rescheduling dated June 21, 1999, Appellant was provided notice of the August 4,
9 1999, hearing.

10
11
12 No attorney submitted a notice of appearance on Appellant's behalf and Appellant did not appear at
13 the August 4, 1999, hearing. The Board convened the hearing at the scheduled time, then recessed
14 for fifteen minutes to allow Appellant opportunity to appear. Appellant did not appear. Following
15 the fifteen minute recess, the hearing was reconvened and Respondent moved to dismiss the appeal.

16
17
18 The presiding Board member took Respondent's motion under advisement until a majority of the
19 Board could review the record.

20
21 After the hearing on this appeal was adjourned, a letter from Appellant was received at the Board
22 office, requesting a continuance "in order that my attorney be present." WAC 358-30-040 requires
23 that motions for continuances be filed five days prior to the scheduled date. An exception can be
24 made only where the reason for the continuance could not reasonably have been foreseen.
25 Appellant failed to submit a request for continuance in accordance with WAC 358-30-040 and has
26 failed to show that the reason for the continuance could not have been reasonably foreseen.

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Appellant failed to appear at the hearing and failed to provide any argument to the Board on her appeal. WAC 358-30-170 provides that in hearings on allocation appeals, appellants have the burden of proof. Appellant failed to met her burden of proof and the appeal should be dismissed. Respondent’s motion should be granted.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of Joanne Porter-Pickles is dismissed.

DATED this _____ day of _____, 1999.

WASHINGTON STATE PERSONNEL APPEALS BOARD

Walter T. Hubbard, Chair

Gerald L. Morgen, Vice Chair

Nathan S. Ford Jr., Member